



**AGENDA**  
**April 26, 2022**  
**Council Conference Meeting**  
**7:00 p.m.**

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**APPOINTMENTS**

**PRESENTATION**

**BIDS**

**RESOLUTIONS**

**Finance Policy Committee**

1. Resolution authorizing the Chief Financial Officer to refund street opening Cash Bond
2. Resolution authorizing the Chief Financial Officer to draw warrant for first quarter Construction Official's State Permit Fees
3. Resolution authorizing the Chief Financial Officer to draw warrant for dog licenses for March 2022
4. Resolution authorizing the Chief Financial Officer to refund Recreation Department Fees
5. Resolution authorizing the Chief Financial Officer to refund alarm registration fee
6. Resolution to read the municipal budget by title
7. Resolution to adopt the SID budget
8. Resolution to adopt the municipal budget

**Public Safety, Transportation and Parking Committee**

**Code Review & Town Property Committee**

1. Resolution to approve Children's Amusement Device License
2. Resolution authorizing approval to submit a historic site management grant application

**Public Works Committee**

**ORDINANCES**

**GENERAL ORDINANCE NO. 2022-13**

AN ORDINANCE TO AMEND THE CODE OF THE TOWN OF WESTFIELD, CHAPTER 19A, ESTABLISHMENT, REGULATION AND LICENSING FOR POLICE REQUESTED AND NON-PREFERENCE VEHICLE TOWING AND STORAGE SERVICES

**GENERAL ORDINANCE NO. 2022-14**

AN ORDINANCE ADOPTING AN AMENDMENT TO THE DOWNTOWN WESTFIELD SCATTERED SITE REDEVELOPMENT PLAN

**GENERAL BUSINESS**

**COMMITTEE REPORTS**

**OPEN DISCUSSION BY CITIZENS**

**EXECUTIVE SESSION**



**TOWN OF WESTFIELD  
TOWN COUNCIL  
REGULAR MEETING**

**Tuesday, April 26, 2022  
8:00 PM**

**PROPOSED AGENDA**

This agenda is prepared for the information of the public. It is the order of the meeting; however, if changes in order, deletions or additions are made, they will be noted at the time.

1. Roll Call
2. Invocation
3. Salute to the flag
4. Appointments

Resolution to appoint Michael Duelks as Fire Chief (Oath of Office administered by Mayor Brindle)

5. Presentations

Committee as a Whole:

Resolution to recognize former Councilman James Boyes

Proclamation:

Westfield High School Girls Varsity Swim Team

Traffic Study for Prospect Ferris Development

6. Advertised Hearings

1. 2022 Special Improvement District Budget

2. 2022 Municipal Budget

3. GENERAL ORDINANCE NO. 2022-12

AN ORDINANCE TO AMEND THE CODE OF THE TOWN OF WESTFIELD, CHAPTER 13, MOTOR VEHICLES AND TRAFFIC

7. Approval of Minutes from Town Council Conference Session held April 5, 2022

Approval of Minutes from Town Council Regular Meeting held April 5, 2022

8. Petitions and Communications
9. Open discussion by citizens
10. Bills and Claims in the amount of \$1,015,543.89
11. Reports of Standing Committees

Finance Policy Committee

1. Resolution authorizing the Chief Financial Officer to refund street opening Cash Bond
2. Resolution authorizing the Chief Financial Officer to draw warrant for first quarter Construction Official's State Permit Fees
3. Resolution authorizing the Chief Financial Officer to draw warrant for dog licenses for March 2022
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6. Resolution to read the municipal budget by title
7. Resolution to adopt the SID budget
8. Resolution to adopt the municipal budget

Public Safety, Transportation and Parking Committee

1. GENERAL ORDINANCE NO. 2022-13  
AN ORDINANCE TO AMEND THE CODE OF THE TOWN OF WESTFIELD, CHAPTER 19A, ESTABLISHMENT, REGULATION AND LICENSING FOR POLICE REQUESTED AND NON-PREFERENCE VEHICLE TOWING AND STORAGE SERVICES

Code Review & Town Property Committee

1. Resolution to approve Children's Amusement Device License
2. Resolution authorizing approval to submit a historic site management grant application
3. GENERAL ORDINANCE NO. 2022-14  
AN ORDINANCE ADOPTING AN AMENDMENT TO THE DOWNTOWN WESTFIELD SCATTERED SITE REDEVELOPMENT PLAN

Public Works Committee

12. Reports of Department Heads

**TOWN OF WESTFIELD**  
**WESTFIELD, NEW JERSEY**

**RESOLUTION NO.**

**FINANCE POLICY COMMITTEE**

**APRIL 26, 2022**

**WHEREAS**, in accordance with the provisions of the Town Charter, the Town Administrator has proposed the appointment of Michael Duelks as Fire Chief, subject to the approval of Mayor and Council, and

**NOW, THEREFORE, BE IT RESOLVED** that the Mayor and Town Council hereby approve the appointment of Michael Duelks to the position of Chief of the Westfield Fire Department, effective April 26, 2022, and

**BE IT FURTHER RESOLVED** that Michael Duelks shall be paid a salary rate of \$159,500 for 2022 commencing April 26, 2022.

**TOWN OF WESTFIELD**  
**WESTFIELD NEW JERSEY**  
**RESOLUTION NO.**

**COMMITTEE AS A WHOLE**

**APRIL 26, 2022**

**WHEREAS**, Jim Boyes has faithfully served the Town of Westfield representing Ward 1 from January 7, 2020 to April 12, 2022; and

**WHEREAS**, Councilman Boyes has sacrificed his time and talent to attend to the needs of the residents of the 1st Ward and the community at large; and

**WHEREAS**, Councilman Boyes has served in numerous capacities as a member of the Public Works Committee (2020), the Finance Committee (2021), the Code Review and Town Property Committee (2022), and the Public Safety, Transportation, and Parking Committee (2020-2022) where he served as Vice Chair from 2020-2021 and as Chair in 2022; and

**WHEREAS**, Councilman Boyes has also served as Council Liaison to the Westfield Memorial Library Board of Trustees (2021-2022), the Tree Preservation Commission (2020-2022), the Mental Health Council (2021), and the Municipal Alliance (2020); and

**WHEREAS**, during his term on the Town Council, Councilman Boyes earned the respect of his fellow civic leaders and the gratitude of his constituents; and

**NOW, THEREFORE, BE IT RESOLVED** that the Mayor and Town Council, on behalf of the citizens of the Town of Westfield, hereby express appreciation to Jim Boyes for his service and wish him every success and happiness in all his future endeavors; and

**BE IT FURTHER RESOLVED** that this Resolution be permanently memorialized by incorporating it within the minutes of the Westfield Town Council meeting of April 26, 2022.

**TOWN OF WESTFIELD  
WESTFIELD, NEW JERSEY**

**GENERAL ORDINANCE NO. 2022-12**

**AN ORDINANCE TO AMEND THE CODE OF THE TOWN OF  
WESTFIELD, CHAPTER 13, MOTOR VEHICLES AND TRAFFIC**

**BE IT ORDAINED** by the Town Council of the Town of Westfield in the County of Union as follows:

**SECTION I. Chapter 13, “Motor Vehicles and Traffic,” Section 13-4.1 – “Left turn prohibitions.”** of the Town Code shall be changed by adding the following language in its entirety:

<b>Name of Street</b>	<b>Location</b>	<b>Hours/Days</b>
Prospect Street	South on Prospect Street to east on East Broad Street	

**SECTION II. Chapter 13, “Motor Vehicles and Traffic, Section 13-18 – “Loading and unloading zones.”** of the Town Code shall be amended as follows:

**§ 13-18 Loading and unloading zones.**

The following areas in the central business district (CBD) zone are hereby established as zones for the actively conducting unloading and delivery of materials, merchandise, and supplies to and the removal of the same from properties in the CBD. During the hours of 6:00 a.m. to 6:00 p.m., loading zones are to be utilized solely by commercial vehicles which for the purposes of this section of the Town Code are defined as vehicles displaying commercial license plates or a vehicle displaying the name or designation of the vehicle or company owning/operating the vehicle or affixed to the vehicle in visible clear exterior signage or letters. Except for Sundays and federal holidays, during which loading and unloading is prohibited, such persons operating a commercial vehicle may leave standing a vehicle in a designated loading zone only for the time it takes to unload/load materials, but in no event shall such persons load or unload a commercial vehicle for any time longer than 15 consecutive minutes. Subject to all other applicable provisions of this Chapter and state law, parking is permitted in the following loading and unloading zones outside of the hours of 6:00 a.m. and 6:00 p.m. Additional zones may be created from time to time by ordinance or resolution of the Town Council.

- (a) East side of Elm Street beginning at a point 68 feet south of the southerly curblineline of Quimby Street and extending to a point 60 feet southerly thereof.
- (b) Northeast side of Elm Street northwest of East Broad Street and 10 feet southeast of fire hydrant for a length of approximately 47 feet.
- (c) Northeast side of Prospect Street 35 feet northwest of East Broad Street for a length of approximately 65 feet.
- (d) Southeast side of East Broad Street in front of the premises known as 120-130 East Broad Street for a length of approximately 43 feet.
- (e) Northwest side of Quimby Street, beginning at a point 100 feet northeast of the northeasterly curblineline of Elm Street and extending to a point 45 feet northeasterly therefrom.
- (f) North side of Park Street from 50 feet west of the westerly curblineline of Central Avenue to 100 feet west of the westerly curblineline of Central Avenue.
- (g) East side of Central Avenue, beginning at a point 76 feet southeast from the intersection of East Broad Street and continuing south for a distance of 60.5 feet.
- (h) Northeast side of Prospect Street beginning 10 feet north of the fire hydrant for a length of approximately 55 feet.
- (i) Southeast side of Lenox Avenue, beginning at a point 220 feet northeast of the easterly curblineline of Central Avenue and extending to a point 45 feet northeasterly therefrom.

**SECTION III.** All ordinances or parts of ordinances in conflict or inconsistent with any part of the terms of this ordinance are hereby repealed to the extent that they are in such conflict or inconsistent.

**SECTION IV.** In the event any section, part or provision of this ordinance shall be held unconstitutional or invalid by any court, such holding shall not affect the validity of this ordinance as a whole or any part thereof other than the part so held unconstitutional or invalid.

**SECTION V.** This ordinance shall take effect after passage and publication, as soon as, and in the manner permitted by law.

**TOWN OF WESTFIELD**  
**WESTFIELD NEW JERSEY**

**RESOLUTION**

**FINANCE POLICY COMMITTEE**

**APRIL 26, 2022**

**WHEREAS**, Susan Schneider placed the required cash bond of \$1500.00 to cover the Road Opening Permit #21-065 for 821Bradford Avenue; and

**WHEREAS**, Susan Schneider is entitled to have this amount to be returned, and

**WHEREAS** the Town Engineer has inspected the roadway excavation and has found the excavation to have been properly repaired.

**NOW THEREFORE BE IT RESOLVED** that the Treasurer be authorized to draw a warrant in the name of Susan Schneider for \$1,500.00 and forward to 6 Faulkner Drive, Westfield, New Jersey 07090.

**TOWN OF WESTFIELD**  
**WESTFIELD, NEW JERSEY**  
**RESOLUTION NO.**

**FINANCE POLICY COMMITTEE**

**APRIL 26, 2022**

RESOLVED that pursuant to N.J.A.C. 5:23-4.19, that the Chief Financial Officer be authorized and directed to draw a warrant in the sum of \$20,134.00 to the TREASURER, STATE OF NEW JERSEY for the first quarter Construction Official's State permit fees for 2022.

BE IT FURTHER RESOLVED that said check be forward to the Division of Codes and Standards, Department of Community Affairs, CN 802, Trenton , New Jersey 08625-0802.

**TOWN OF WESTFIELD**  
**WESTFIELD NEW JERSEY**  
**RESOLUTION NO.**

**FINANCE POLICY COMMITTEE**

**APRIL 26, 2022**

RESOLVED that the Chief Financial Officer be authorized to draw a warrant in the amount of \$103.80 to the order of New Jersey Department of Health, P.O. Box 369, Trenton, New Jersey for Dog Licenses issued by the Town Clerk for the month of March 2022.

**TOWN OF WESTFIELD**  
**WESTFIELD, NEW JERSEY**  
**RESOLUTION NO.**

**FINANCE POLICY COMMITTEE**

**APRIL 26, 2022**

**RESOLVED**, that the Town Treasurer be authorized to refund the following fees to the following individual via checks:

<b><u>Name</u></b>	<b><u>Account</u></b>	<b><u>Class</u></b>	<b><u>Fee</u></b>
Reema Mishra 168 Landsdowne Ave. Westfield, NJ 07090	Tennis/Rec T-05-600-071	Refund Playground Camp 2022 Aeden Lakshmiratan/ Jefferson	\$346.75
Thomas Pohmer 125 Eaglecroft Road Westfield, NJ 07090	Pool Membership 03-55-920-202	Refund Pool Membership / 2022 Resident Couple	\$294.50
Neil Motsani 827 Knollwood Terr Westfield, NJ 07090	Tennis/Rec T-05-600-071	Refund Playground Camp 2022 Shaan Mohwani / Tamaques	\$346.75
Annie Smaldone 238 Virginia St Westfield, NJ 07090	Tennis/Rec T-05-600-071	Refund Playground Camp 2022 Eli Smaldone / Jefferson (\$346.75) Samuel Smaldone / Jefferson (\$346.75)	\$693.50
Jody Paul 25 Sunnywood Drive Westfield, NJ 07090	Tennis/Rec T-05-600-071	Refund Elementary Ultimate Julian Paul / Spring 2022	\$126.35
Julie McGeough 846 Shadowlawn Dr Westfield, NJ 07090	Tennis/Rec T-05-600-071	Refund HSDL – Field Hockey Ashley McGeough / Spring League	\$223.25
Corey Weiner 831 Nancy Way Westfield, NJ 07090	Tennis/Rec T-05-600-071	Refund Elementary Ultimate Alex Weiner / Spring 2022	\$126.35

**BE IT FURTHER RESOLVED**, that the Town Treasurer be authorized to refund the following fees to the following individual via credit card:

<b><u>Name</u></b>	<b><u>Account</u></b>	<b><u>Class</u></b>	<b><u>Fee</u></b>
Nina Raoji 728 Tamaques Way Westfield, NJ 07090	Tennis/Rec T-05-600-071	Refund Adult Tennis / Session 1 / Spring Nina Raoji ~ Beginner/Adv Beg	\$139.65

Sara Adamo 122 Hamilton Ave Westfield, NJ 07090	Tennis/Rec T-05-600-071	Refund (full) \$10.00 Brightwood Park – Nature Class Kristen Adamo / Youth 10:00 am Program Canceled by Rec Department
Matthew Posada 607 S Chestnut St Westfield, NJ 07090	Pool Membership 03-55-920-202	Refund \$130.00 Pool Membership (difference) Switch in Pool Membership
Mark Wright 771 Knollwood Terr Westfield, NJ 07090	Tennis/Rec T-05-600-071	Refund \$114.00 Safe Sitter Lidia Wright / May 22
Richard McNanna 512 Dorian Place Westfield, NJ 07090	Pool Membership 03-55-920-202	Refund (full) \$440.00 Pool Membership Resident Family of 4 or less
Pradeep Nair 628 St. Marks Ave Westfield, NJ 07090	Tennis/Rec T-05-600-071	Refund \$111.15 Track & Field / Spring Syreya Nair /2-3 Grade
Andrew Rafter 635 Maye St Westfield, NJ 07090	Tennis/Red T-05-600-071	Refund (full) \$220.00 LEGO / Spring David Rafter/Spring Break Camp Program Canceled by Rec Department
Zaneta Papis 729 Summit Ave #1 Westfield, NJ 07090	Tennis/Red T-05-600-071	Refund (full) \$220.00 LEGO /Spring Austin Papis-Tostado/Spring Break Camp Program Canceled by Rec Department
Jeff Minick 905 Tice Pl Westfield, NJ 07090	Tennis/Rec T-05-600-071	Refund (full) \$220.00 LEGO / Spring Tyler Minick/Spring Break Camp Program Canceled by Rec Department
Ari Karmo 123 Benson Place Westfield, NJ 07090	Tennis/Rec T-05-600-071	Refund (full) \$220.00 LEGO / Spring Max Kamo/Spring Break Camp Program Canceled by Rec Department
Sydney Dickey 744 Norgate Westfield, NJ 07090	Tennis/Rec T-05-600-071	Refund (full) \$220.00 LEGO / Spring Cameron Dickey/Spring Break Camp Program Canceled by Red Department
Mike Polgardy 221 Jefferson Ave Westfield, NJ 07090	Tennis/Rec T-05-600-071	Refund \$114.95 Youth Tennis / Session 1 / Spring Katie Polgardy / Hot Shots / Sun 9:15

Peter O'Grady  
765 Belvidere Ave  
Westfield, NJ 07090

Tennis/Rec  
T-05-600-071

Refund \$252.70  
Elementary Ultimate / Spring  
Ava O'Grady (\$126.35)  
Evelyn O'Grady (\$126.35)

Dana Gaines  
1018 South Ave West  
Westfield, NJ 07090

Tennis/Rec  
T-05-600-071

Refund \$111.15  
Track & Field / Spring  
Bailey Gaines / 4-5 Grade

**TOWN OF WESTFIELD**  
**WESTFIELD NEW JERSEY**

**RESOLUTION NO. -2022**

**FINANCE POLICY COMMITTEE**

**APRIL 26, 2022**

**RESOLVED**, that the Town Treasurer be authorized to refund the following fees to the following individuals:

<b><u>Name</u></b>	<b><u>Reason</u></b>	<b><u>Fee</u></b>
Qiuyan Yu 786 W. Broad Street Westfield, NJ 07090	Overpayment Paid initial and renewal fee	\$25.00 Credit Card
Rakesh Kumar Chowdhury 248 Windsor Avenue Westfield, NJ 07090	Overpayment No payment required	\$25.00 Credit Card
Michael Cox 15 Sleepy Hollow Drive Westfield, IN 46074	Overpayment No payment required	\$50.00 Credit Card

**TOWN OF WESTFIELD**  
**WESTFIELD NEW JERSEY**

**RESOLUTION NO.**

**FINANCE POLICY COMMITTEE**

**APRIL 26, 2022**

BE IT RESOLVED that as attestation of compliance has been provided pursuant to NJSA 40A:4-8 (1a) and (1b) the 2022 Municipal Budget may be read by title.

**TOWN OF WESTFIELD**  
**WESTFIELD NEW JERSEY**

**RESOLUTION NO.**

**FINANCE POLICY COMMITTEE**

**APRIL 26, 2022**

BE IT RESOLVED by the Town Council of the Town of Westfield, County of Union, that the Special Improvement District Budget hereinbefore set forth is hereby adopted and shall constitute an appropriation for the purposes stated of the sums therein set forth as appropriations and authorization of the amount of

\$416,347.00 for Special Improvement District Purposes

**TOWN OF WESTFIELD**  
**WESTFIELD NEW JERSEY**

**RESOLUTION NO. 2022**

**FINANCE POLICY COMMITTEE**

**APRIL 26, 2022**

BE IT RESOLVED by the Council of the Town of Westfield, County of Union, that the budget hereinbefore set forth is hereby adopted and shall constitute an appropriation for the purposes stated of the sums therein set forth as appropriations, and authorization of the amount of \$30,244,511.94 (Item 2, below) for municipal purposes, and \$2,838,118.00 (Item 3, below) for Minimum Library Levy and certification to the County Board of Taxation of the following summary of general revenues and appropriations:

<b>1. General Revenues</b>	
Surplus Anticipated	\$3,795,000.00
Miscellaneous Revenues Anticipated	13,812,172.32
Receipts from Delinquent Taxes	1,350,000.00
<b>2. Amount to be Raised by Taxation for Municipal Purposes</b>	30,244,511.94
<b>3. Amount to be Raised by Taxation - Minimum Library Levy</b>	<u>2,838,118.00</u>
<b>Total Revenues</b>	<u>\$52,039,802.26</u>
<b>4. <u>General Appropriations</u></b>	
Within "CAPS"	
Operating including Contingent	\$32,097,750.00
Deferred Charges	5,139,961.00
Excluded from "CAPS"	
Operations	8,472,525.26
Capital Improvements	481,088.00
Municipal Debt Service	3,128,478.00
Deferred Charges-Municipal	145,000.00
Reserve for Uncollected Taxes	2,575,000.00
<b>Total General Appropriations</b>	<u>\$52,039,802.26</u>

**TOWN OF WESTFIELD**

## **WESTFIELD, NEW JERSEY**

### **GENERAL ORDINANCE NO. 2022-13**

#### **AN ORDINANCE TO AMEND THE CODE OF THE TOWN OF WESTFIELD CHAPTER 19A ENTITLED “VEHICLE TOWING AND STORAGE” TO ESTABLISH A SYSTEM OF RATES FOR TOWING AND STORAGE SERVICES**

##### **SECTION I**

That Section 19A-7 “Rates” be amended to read as follows:

“The rates charged for basic towing services, storage and labor shall be in accordance with the schedule established herein and shall be kept on file in the police department and shall be available for inspection by the public.

##### **TOWING:**

Class I Vehicles, Passenger and Commercial up to 6999 lbs.	Weekdays 8:00 AM to 6:00 PM Using a Conventional Wrecker	\$100.00
	Weekends and Holidays 6:00 PM to 8:00 AM Using a Conventional Wrecker	\$110.00
	Flatbed Truck, all hours	\$125.00
	No mileage charge for Class I or II vehicles if the vehicle is towed to a location within the Town of Westfield or back to the duty tow’s yard. Regardless of location.	
	Vehicles towed to locations other than above.	\$6.00 per mile or fraction thereof from pickup point
	Fees for Towing Police Department Vehicles shall not exceed	\$50.00
Commercial vehicles Class II, 7000 to 14,999 lbs		\$200.00

Commercial vehicles Class III, 15,000 lbs. and up	\$350.00 per hour \$450 with trailer
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Trucks and trailers	No mileage charge
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Vehicle Classification will be determined by the registered gross weight

ROAD SERVICE CHARGE: (All hours)

Out of fuel (plus charge for fuel)	\$75.00
Battery jump	\$75.00
Changing of flat tire	\$75.00
Separation charge	\$75.00
Drop Drive Shaft	\$75.00
Release Air Brake	\$75.00

STORAGE: (Commencing 24 hours after the vehicle was towed)

Class I vehicles per day	\$45.00
Class II vehicles per day	\$50.00
Class III vehicles per day	\$100.00
Inside Storage	Add \$10.00 per day

MISCELLANEOUS:

Waiting time at scene (per minute) commencing 15 minutes after arrival on scene	\$1.00
Winching service, up to 50 feet	\$75.00
In excess of 50 feet (per foot)	\$ 2.50
Rollover charges (to bring a vehicle back onto its wheels)	\$100.00
Administration fees for "paper work" or "yard charges" relating to the retrieval of a motor vehicle in storage are prohibited	---

No towing operators shall charge an additional fee when a towed vehicle is being picked up by an owner/driver or other tow operator or for services such as moving motor vehicles to get to the vehicle in question, towing from the operators property to the street and other such towing operations.

## **SECTION II**

Any and all ordinances or parts thereof in conflict, or inconsistent, with any part of the terms of this ordinance are hereby repealed to the extent that they are in such conflict or inconsistent.

## **SECTION III**

In the event that any section, part or provision of this ordinance shall be held to be unconstitutional or invalid by any court, such holding shall not affect the validity of this ordinance as a whole, or any part thereof, other than the part so held unconstitutional or invalid.

## **SECTION IV**

This ordinance shall take effect after passage and publication as soon as, and in the manner, permitted by law.

**TOWN OF WESTFIELD**  
**WESTFIELD NEW JERSEY**

**RESOLUTION NO.**

**CODE REVIEW & TOWN PROPERTY COMMITTEE**

**APRIL 26, 2022**

RESOLVED that the following application for children's amusement devices be approved:

Seashore Amusements	Spring Fling Street Fair	Rich Sieb
11 Hendry Lane	May 1, 2022	11 Hendry Lane
Brick, NJ 08723	East Broad Street	Brick, NJ 08723
	Westfield, NJ	

\*10 amusement devices

The New Fun Services	Baseball Opening Day	Jay Berger
9 Kulick Road	April 23, 2022	P.O. Box 151
Fairfield, NJ 07004	Gumbert Field	Westfield, NJ 07090
	Westfield, NJ	

**TOWN OF WESTFIELD**  
**WESTFIELD, NEW JERSEY**

**RESOLUTION NO. XX-2022**

**CODE REVIEW & TOWN PROPERTY  
COMMITTEE**

**APRIL 26, 2022**

RESOLUTION AUTHORIZING APPROVAL TO SUBMIT A 3:1 FUNDING MATCH HISTORIC SITE MANAGEMENT GRANT APPLICATION IN THE AMOUNT NOT TO EXCEED \$ 60,000.00, ACCEPT THE GRANT, AND EXECUTE A GRANT AGREEMENT WITH THE NEW JERSEY HISTORIC TRUST, FOR THE PREPARATION OF AN UPDATED HISTORIC PRESERVATION MASTER PLAN ELEMENT; AN INTENSIVE-LEVEL ARCHITECTURAL SURVEY OF THE DOWNTOWN HISTORIC DISTRICT, AND A NATIONAL REGISTER OF HISTORIC PLACES NOMINATION FOR THE DOWNTOWN HISTORIC DISTRICT

WHEREAS, the Town of Westfield seeks to optimize quality of life for its residents by ensuring that its environmental, economic and social objectives are balanced and mutually supportive; and

WHEREAS, the Town of Westfield strives to foster sound planning and stewardship for historic properties, aid historic property owners to gain better understanding of preservation needs for a site or structure, and to broaden public awareness and enjoyment of historic sites; and

WHEREAS, the Downtown Historic District consists of 77 property lots in the area at the center of Downtown Westfield immediately north of the train station including portions of East Broad, Elm, Prospect, and Quimby streets; and portions of Central and Mountain avenues, as shown in the Westfield Tax Map (Attachment 1); and

WHEREAS, the Downtown Historic District serves as part of Westfield's downtown core, is a vital shopping and commercial area and is anchored by a large collection of late 19th century commercial buildings; and

WHEREAS, the Town of Westfield should continue its efforts to formally designate more historic sites and districts that were identified in the 2002 Historic Preservation Plan, including the Downtown Historic District; and

WHEREAS, there is an opportunity for funding through the 2022 Preserve New Jersey Historic Preservation Fund, Historic Site Management grant, funded by the New Jersey Historic Trust, Department of Community Affairs; and

WHEREAS, the Historic Site Management grant applicants are eligible for a 3:1 funding match in which the Trust may provide up to 75% of project funding, and the applicant to match 25% of the total project cost- the applicant must provide \$ 1.00 to the request of \$ 3.00 in grant money from the Trust for every \$ 4.00 of project costs; grant awards are not to exceed \$ 75,000.00; and

WHEREAS, the Town of Westfield wishes to submit an application for \$ 60,000.00 in funding through this grant program for the preparation of: 1) a preservation plan for the Downtown Historic District; 2) an intensive level survey of the Downtown Historic District; and 3) a National Register of Historic Places nomination; and.

WHEREAS, applied funding in the amount of \$ 45,000.00 with a cash match amount of \$ 15,000.00 is provided by the Town of Westfield as shown in Applicant Assurances (Attachment 2).

NOW THEREFORE BE IT RESOLVED, that the Town Council of the Town of Westfield, State of New Jersey, authorizes the application for and acceptance of funding in the amount of \$ 60,000.00 from the 2022 Preserve New Jersey Historic Preservation Fund, Historic Site Management grant, for the preparation of: 1) a preservation plan for the Downtown Historic District; 2) an intensive level survey of the Downtown Historic District; and 3) a National Register of Historic Places nomination.

BE IT FURTHER RESOLVED that the Town of Westfield does hereby authorize the application for such a grant; and, recognizes and accepts that the Department may offer a lesser or greater amount and therefore, upon receipt of the grant agreement from the New Jersey Department of Community Affairs, does further authorize the execution of any such grant agreement.

BE IT FURTHER RESOLVED that the persons whose names, titles, and signatures appear below are authorized to sign the application and that they or their successors in said titles are authorized to sign the assurances and any other documents necessary in connection therewith, and acknowledges the certification above.

Attachment 1: Westfield Tax Maps 24, 25, 31 focusing on the Downtown Historic District



**TOWN OF WESTFIELD  
GENERAL ORDINANCE NO. 2022-14**

**AN ORDINANCE ADOPTING AN AMENDEDMENT TO THE  
DOWNTOWN WESTFIELD SCATTERED SITE REDEVELOPMENT  
PLAN**

WHEREAS, the Local Redevelopment and Housing Law, *N.J.S.A. 40A:12A-1, et seq.*, as amended and supplemented (the “**Redevelopment Law**”), provides a process for municipalities to participate in the redevelopment and improvement of areas designated by the municipality as being in need of redevelopment; and

WHEREAS, on March 10, 2020, the Mayor and Council of the Town (the “**Governing Body**”) adopted Resolution Number 77-2020, requesting and authorizing the Town’s Planning Board (the “**Planning Board**”) to undertake a preliminary investigation to determine whether certain properties including:

<b>Block</b>	<b>Lot</b>	<b>Street Address</b>
2405	15	146 Elm Street
2505	12.01	131 Elm Street
3001	5	360 Waterson Street
3101	5	300 South Avenue West
3103	7	301 North Avenue West
3107	2	116 Elmer Street
3116	11	148 Central Avenue

as identified on the Official Tax Map of the Town (the “**Parking Lot Properties**”) qualify as a “non-condemnation” area in need of redevelopment pursuant to the Redevelopment Law; and

WHEREAS, on March 10, 2020, the Governing Body also adopted Resolution Number 78-2020, requesting and authorizing the Planning Board to undertake a preliminary investigation to determine whether the properties:

<b>Block</b>	<b>Lot</b>	<b>Street Address</b>
2502	14	630 North Avenue West
2506	1	526 North Avenue West
2508	11	601-613 North Avenue West

as identified on the Official Tax Map of the Town (the “**L&T Properties**,” together with the Parking Lot Properties, the “**Redevelopment Area**”) qualify as a “non-condemnation” area in need of redevelopment pursuant to the Redevelopment Law; and

WHEREAS, on June 30, 2020, based upon a recommendation from the Planning Board following a public hearing on June 1, 2020, the Governing Body adopted Resolution No. 145-

2020, designating the Parking Lot Properties as a non-condemnation area in need of redevelopment pursuant to the Redevelopment Law; and

WHEREAS, on August 11, 2020, based upon a recommendation from the Planning Board following a public hearing on July 20, 2020, the Governing Body adopted Resolution No. 180-2020, designating the L&T Properties as a non-condemnation area in need of redevelopment pursuant to the Redevelopment Law; and

WHEREAS, the Town Planner, Donald B. Sammet, PP/AICP, prepared a redevelopment plan for the Redevelopment Area dated October 5, 2020, entitled the “*Downtown Westfield Scattered Site Redevelopment Plan*” (the “**Redevelopment Plan**”); and

WHEREAS, on October 27, 2020, the Governing Body introduced, and on November 10, 2020, adopted General Ordinance No. 2198, adopting the Redevelopment Plan; and

WHEREAS, on October 13, 2020, based upon a recommendation from the Planning Board following a public hearing on October 5, 2020, the Governing Body adopted Resolution No. 225-2020, designating the Town in its entirety as an area in need of rehabilitation pursuant to the Redevelopment Law; and

WHEREAS, the Redevelopment Law provides for the adoption of a redevelopment plan for an area in need of redevelopment or an area in need of rehabilitation, or for both; and

WHEREAS, the Governing Body has determined it to be in the best interests of the Town to adopt an amendment to the Redevelopment Plan to provide, but not limited to, as follows:

- (1) To include within the Redevelopment Plan the real property commonly known as 74-76 Elm Street, Westfield, and identified on the Official Tax Map of the Town as Block 3106, Lot 5 (the “**Rehabilitation Property**”);
- (2) To permit the temporary use of the Rehabilitation Property as a preview center, as defined therein, and create certain incentives for the establishment of a preview center;
- (3) To require electric vehicle charging infrastructure be provided in any redevelopment project in accordance with the Municipal Land Use Law, *N.J.S.A. 40A:55D-1, et seq.*, as amended and supplemented, and the Town Land Use Ordinance;
- (4) To require a redevelopment agreement for the temporary use of the Rehabilitation Property as a preview center.

as set forth in a plan entitled “*Downtown Westfield Scattered Site Redevelopment Plan*,” dated October 5, 2020, amended as attached hereto as Exhibit A (the “**Amended Redevelopment Plan**”); and

WHEREAS, immediately following the introduction of this Ordinance, the Town Clerk was directed to refer this Ordinance and the Redevelopment Plan to the Planning Board for its

review and recommendations pursuant to the Redevelopment Law, which review shall take place within forty-five (45) days of the referral.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Town of Westfield as follows:

1. The Amended Redevelopment Plan, a copy of which is attached to this Ordinance as Exhibit A, is hereby adopted in its entirety.
2. If any provision or portion of this Ordinance is held to be unconstitutional, preempted by Federal or State law, or otherwise invalid by any court of competent jurisdiction, the remaining provisions of the ordinance shall not be invalidated and shall remain in full force and effect.
3. This ordinance shall take effect immediately upon final publication as required by law.
4. All ordinances and parts of ordinances that are inconsistent with the provisions of this ordinance are hereby repealed to the extent of such inconsistency.



# **DOWNTOWN WESTFIELD SCATTERED SITE REDEVELOPMENT PLAN**

## **TOWN OF WESTFIELD UNION COUNTY, NEW JERSEY**

**PLAN DATE:** OCTOBER 5, 2020

**ADOPTED:** NOVEMBER 10, 2020 BY GENERAL ORDINANCE NO 2198

**AMENDED:**

**Prepared for:**

The Mayor & Council of the Town of Westfield

**Prepared by:**

---

Donald B. Sammet, PP/AICP, Town Planner

NJ Professional Planner License No.

33LI00575800

Greenbaum Greenbaum, Rowe, Smith & Davis,

LLP, Town Redevelopment Counsel

*The original of this report was signed and sealed in accordance with N.J.S.A. 45:14A-12*



#### **Mayor and Council:**

Mayor Shelley Brindle  
Councilwoman Linda Habgood - Ward 1  
- Ward 1  
Councilman Michael Dardia - Ward 2  
Councilman Mark Parmelee - Ward 2  
Councilman Mark LoGrippe - Ward 3  
Councilman David Contract - Ward 3  
Councilwoman Dawn Mackey - Ward 4  
Councilman Scott Katz - Ward 4

Robert S. Goldsmith, Esq., Special Redevelopment Counsel  
Steven G. Mlenak, Esq., Special Redevelopment Counsel  
Thomas Jardim, Esq., Town Attorney  
Tara Rowley, Town Clerk



#### **Planning Board:**

Michael Ash, Chair  
Michael La Place, PP/AICP, Vice Chair  
Shelley Brindle, Mayor  
Michael Dardia, Councilman  
Anastasia Harrison  
Matthew Ceberio  
Michael Duels  
Ross Goldstein  
Asima Jansveld  
Alexandra Carreras  
Ann Freedman

Alan Trembulak, Esq., Planning Board Attorney  
Donald B. Sammet, PP/AICP, Board Planner and Secretary  
David Battaglia, PE/CME/CFM/CPWM, Board Engineer

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## **I. PLAN GOAL**

The goal of this Redevelopment Plan is to subject the properties governed by this plan to the provisions of the Local Redevelopment and Housing Law (LRHL) and to permit the Mayor and Council to engage in discussion and contract with the owners of the properties and/or prospective redevelopers of the properties in a manner which encourages and promotes the long-term economic well-being and overall health, safety, and welfare of the Town.

## **II. INTRODUCTION**

Properties included within this redevelopment plan are located throughout downtown Westfield. Downtown Westfield represents the economic heart of the community and is also geographically located at the center of the Town. The downtown area contains a mix of commercial enterprises including retail sales and services, restaurants, and a hotel. The Westfield Train Station, the station stop with the highest ridership along NJ Transit's Raritan Valley Line, is a focal point downtown; and, stops for local and regional bus service exist.

The Town Planning Board completed and adopted a Master Plan Reexamination Report by resolution dated January 6, 2020. The Reexamination was the product of a significant public participation process including online engagement, surveys, input of a steering committee, stakeholder visioning workshops, and public workshops. According to the results of the reexamination survey, 67% of the respondents view new office, retail, or mixed-use in the downtown very favorably. In addition, 75% of the respondents say that the Town should encourage or strongly encourage redevelopment and attraction of major employers (particularly in high tech industries), while restoring Westfield's older homes. The Reexamination Report emphasizes the importance of downtown areas to a community and includes a series of recommendations in regard to economic development and land use which the community should follow. The following recommendations for the downtown are found in the Reexamination Report:

- Appropriate mixed-use development on underutilized properties, such as municipal parking lots.
- Encourage the enhancement of existing as well as creation of new commercial space
- A parking plan that takes into consideration integrated community structured parking integrated into future development.
- The creation of high tech and medical/wellness office space to support the downtown viability and introduce a new tax ratable that is not single-family development.
- Creating connectivity between the North and South-side of our commercial downtown.
- The creation of public spaces for residents and visitors.
- The embracement of arts and culture as a draw to our community.
- The creation and implementation of a streetscape improvement plan.
- Architectural design guidelines and standards for future development.

The Town can use the provisions contained within the LRHL, including contracting or entering into redeveloper agreements with owners or prospective developers for specific redevelopment projects, to make these recommendations a reality.

As a first step in the redevelopment process, the Mayor and Council directed the Planning Board to undertake preliminary investigations of various properties throughout downtown Westfield to determine if those properties qualify as areas in need of redevelopment. After the preparation of the required preliminary investigation reports and duly noticed public hearings, the Planning Board found that all of the properties studied did in fact qualify. The Mayor and Council have since designated the properties as areas in need of redevelopment. Those properties are amongst those which are governed by this redevelopment plan. Those properties are as follows:

Block	Lot	Address	Description
2405	15	146 Elm Street	Town-Owned Surface Parking Lot
2505	12.01	131 Elm Street	Town-Owned Surface Parking Lot
3001	5	360 Waterson Street	Town-Owned Surface Parking Lot
3101	5	300 South Avenue West	Town-Owned Surface Parking Lot
3103	7	301 North Avenue West	Town-Owned Surface Parking Lot
3107	2	116 Elmer Street	Town-Owned Surface Parking Lot
3116	11	148 Central Avenue	Town-Owned Surface Parking Lot
2502	14	630 North Avenue West	Privately-Owned Surface Parking Lot
2506	1	526 North Avenue West	Privately-Owned Surface Parking Lot
2508	11	601-613 North Avenue West	Lord & Taylor Department Store Site
3107	1	244-254 East Broad Street	Rialto Theater Site

In addition to those properties designated as areas in need of redevelopment, the Mayor and Council have also designated the Town

of Westfield as an area in need of rehabilitation. Town Planner Donald Sammet and Town Engineer Kris McAloon prepared a report finding that the entirety of the Town met the rehabilitation criteria of: (a) a majority of water and sewer infrastructure is at least 50 years old and is in need of repair or substantial maintenance and (b) more than half of the housing stock is at least 50 years old. This report was referred to the Planning Board for its review and comment, which in turn recommended that the Town be delineated as an area in need of rehabilitation. This was accomplished by adoption by the Mayor and Council of Resolution No. 225-2020 on October 13, 2020.

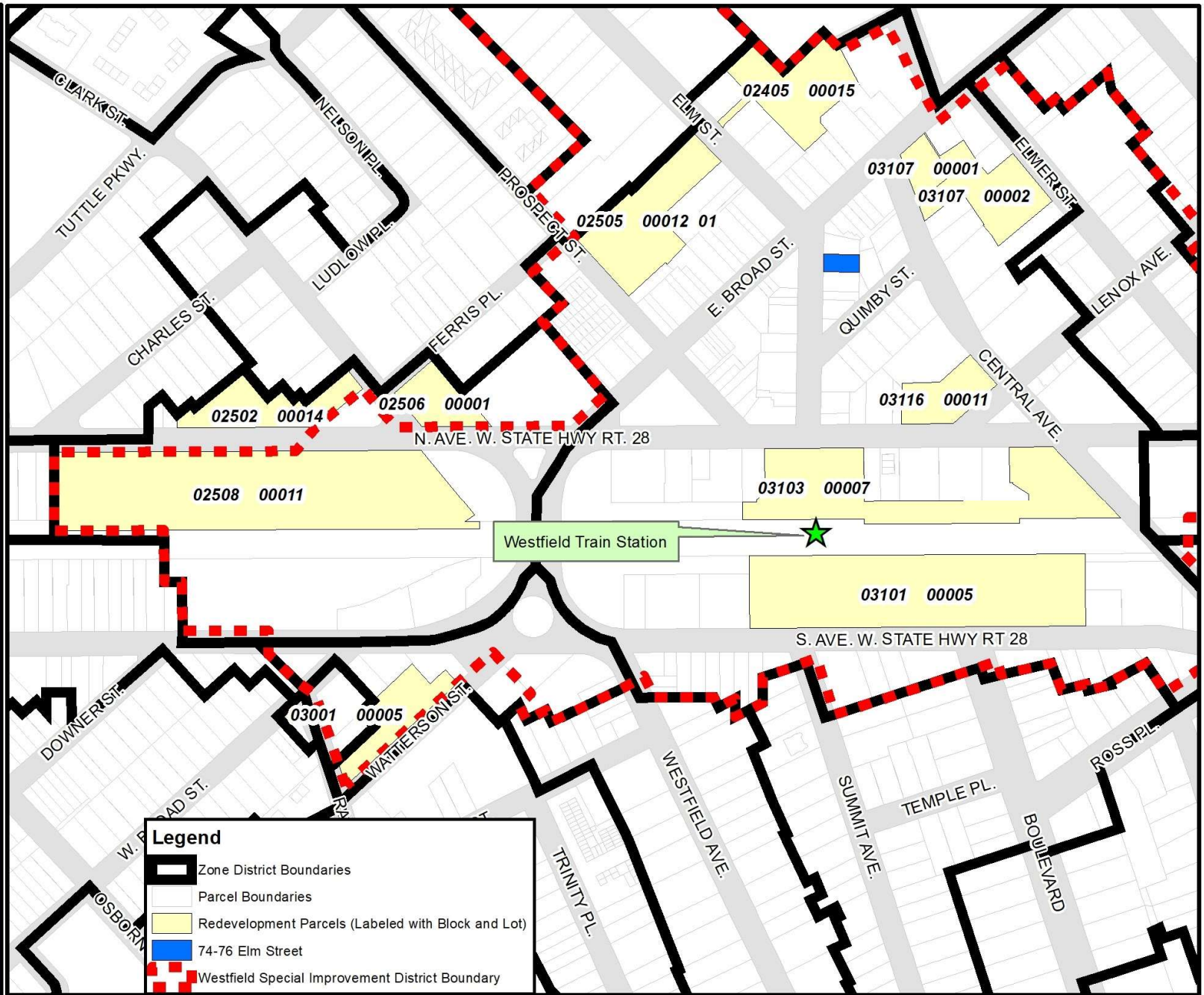
The property listed below, as part of the designated area in need of rehabilitation, is also governed by the provisions contained within this redevelopment plan. This property is incorporated for the sole purpose of permitting a preview center which will be used to facilitate community input regarding the redevelopment of the area.

Block	Lot	Address	Description
3106	5	74-76 Elm Street	Privately-Owned 3 story building

Because these properties have been declared areas in need of redevelopment or areas in need of rehabilitation, they are eligible for inclusion within this Redevelopment Plan. Their inclusion within this Redevelopment Plan enables the Town to designate redeveloper(s) for the properties for projects that advance the Town Master Plan's goals and objectives, and those recommendations for the downtown found in the Reexamination Report.

A map identifying the properties identified in the preceding tables is included on the following page.

# Town of Westfield Downtown Westfield Scattered Site Redevelopment Plan Parcels



### **III. REQUIRED REDEVELOPMENT PLAN COMPONENTS**

This redevelopment plan has been prepared in accordance with section 7 of the LRHL, which provides that “no redevelopment project shall be undertaken or carried out except in accordance with a redevelopment plan adopted by ordinance of the municipal governing body.” Pursuant to the LRHL, the Redevelopment Plan shall include an outline for the planning, development, redevelopment or rehabilitation of the project area sufficient to indicate:

1. The Redevelopment Plan’s relationship to definite local objectives as to appropriate land uses, density of population and improved traffic and public transportation, public utilities, recreational and community facilities and other public improvements.

2. Proposed land uses and building requirements in the project area.

3. Adequate provision for the temporary and permanent relocation, as necessary, of residents in the project area, including an estimate of the extent to which decent, safe and sanitary dwelling units affordable to displaced residents will be available to them in the existing local housing market.

4. An identification of any property within the area, which is proposed to be acquired in accordance with the Redevelopment Plan.

5. Any significant relationship of the Redevelopment Plan to the master plans of contiguous municipalities; the master plan of the county in which the municipality is located; and the State Development and Redevelopment Plan adopted pursuant to the State Planning Act, *N.J.S.A. 52:18A-186, et seq.*

6. As of the date of the adoption of the resolution finding the area to be in need of redevelopment, an inventory of all housing units affordable to low and moderate income households, as defined pursuant

to N.J.S.A. 52:27D-304, that are to be removed as a result of implementation of the redevelopment plan, whether as a result of subsidies or market conditions, listed by affordability level, number of bedrooms, and tenure.

7. A plan for the provision, through new construction or substantial rehabilitation of one comparable, affordable replacement housing unit for each affordable housing unit that has been occupied at any time within the last 18 months, that is subject to affordability controls and that is identified as to be removed as a result of implementation of the redevelopment plan.

8. Proposed locations for zero-emissions vehicle fueling and charging infrastructure within the project area in a manner that appropriately connects with an essential public charging network.

The Redevelopment Plan shall describe its relationship to pertinent municipal development regulations. The Redevelopment Plan shall supersede applicable provisions of the development regulations of the municipality or constitute an overlay zoning district within the redevelopment area.

All provisions of the Redevelopment Plan shall be either substantially consistent with the municipal master plan or designed to effectuate the master plan.

### **IV. REDEVELOPMENT AREA DESCRIPTION**

The properties included within this redevelopment plan are scattered throughout downtown Westfield. For ease of description, they consist of four groupings of properties, each group being based upon those included within separate preliminary investigation reports or its inclusion in the rehabilitation area report.

## **Town-Owned Surface Parking Lots**

The first group of properties consist of 7 non-contiguous Town-owned surface parking lots at the center of the Town of Westfield. Property descriptions are found in the “Preliminary Investigation: Downtown Parking Lots”, prepared by Topology, and dated May 14, 2020. Those descriptions are reproduced in part below to provide an overview of existing conditions:

The first property (Block 3107, Lot 2) is bounded by the Revolutionary Cemetery to the north; commercial uses like Verizon, South Moon Under, Baron’s Drug Store, and Victoria’s Secret to the east; Amazing Lash Studio, the Farmhouse Store, the Gap, Sole Shoes, Indigo Art Studio, Ahrre’s Coffee Roastery, Westfield Tobacco and News, Evergreen, Napa Auto Care Service Center, and Wells Fargo Bank to the south; and the First Baptist Church of Westfield to the west. The property has vehicular access to the north and south by way of Mountain Avenue and Elm Street respectively.

The second property (Block 2505, Lot 12.01) is bounded by Trader Joe’s and Elm Street to the north; commercial properties with street frontages along East Broad Street to the east; Prospect Street to the south; and the Trader Joe’s parking lot with the residential areas beyond to the west. The property has vehicular access to the north and south by way of Elm Street and Prospect Street respectively.

The third property (Block 3001, Lot 5) is bounded by several commercial properties (Five Start Driving School and Evalyn Dunn Gallery among others), newly constructed multi-family housing and Rahway Avenue to the north and west; Holy Trinity School and Watterson Street to the east and south. The property has vehicular access to the lot from Rahway Avenue and Watterson Street.

The fourth property (Block 3101, Lot 5) contains the eastbound platform of the Westfield NJ Transit Train Station and is bound by the NJ Transit Raritan Valley Line to the north; a small shopping complex containing Westfield Seafood, Manhattan Bagel, Priceless Cleaners, and VP Salon and two vacant commercial spaces to the east; South

Avenue West to the south; and the Westfield NJ Transit Train Station and commercial properties beyond to the east.

The fifth property (Block 3103, Lot 7) contains the westbound platform of the Westfield NJ Transit Train Station and is bound by North Avenue West to the north; Central Avenue to the west; the NJ Transit Raritan Valley Line to the south; and the Westfield Fire Department Headquarters and the commercial properties beyond to the east. It should be noted that the parking lot wraps several commercial properties along North Avenue West that carve an approximate 62,000 SF area from the overall block.

The sixth property (Block 3107, Lot 2) is bounded by Elmer Street and commercial properties fronting along East Broad Street to the north; Elmer Street and Anthony Corello D.M.D to the east, Weldon Materials, Turning Point, Nos Vino, Williams-Sonoma, M&T Bank, and Starbucks, Just Bead Yourself, Jude Connally, and Digiplex Destinations to the south and west. The property has vehicular access to both Elmer Street and Central Avenue to the north and south respectively.

The last property (Block 3116, Lot 11) is bounded by Capital One Bank and the commercial properties fronting along Quimby Street to the north, Central Avenue and Lenox Avenue to the east, North Avenue West to the south, Westfield Health & Rehabilitation and the commercial properties beyond to the west.

## **Lord & Taylor Sites**

The second group of properties consist of three separate non-contiguous tax lots, two of which developed as surface parking lots, and the remaining containing the Lord & Taylor department store building. All three properties are under private ownership. Property descriptions are found in the “Preliminary Investigation: Lord & Taylor Sites”, prepared by Topology, and dated July 1, 2020. Those descriptions are reproduced in part below to provide an overview of existing conditions:

The first (Block 2502, Lot 14) is an irregularly shaped surface parking lot bound by Bank of America, Clark Street and private residences to the north; Clark Street to the east; the offices of Coldwell Banker Realty Westfield and North Avenue West to the south; and the offices of Robert Newell Lighting Design and more private residences to the west. The property has vehicular access to the south by way of North Avenue West and to the east by way of Clark Street.

The second property (Block 2506, Lot 1) is quadrangularly shaped surface parking lot bounded by Ferris Place to the northwest; the First United Methodist Church of Westfield to the east; North Avenue West to the south; and Clark Street to the southwest. The property has vehicular access to the northwest by way of Ferris Place and to the south by way of North Avenue West.

The third and final property (Block 2508, Lot 11) contains a large commercial building which houses Lord & Taylor surrounded to the east and west by surface parking. The property is bounded by North Avenue West to the north; an open green space containing the Town's War Memorials to the east; the NJ Transit tracks of the Raritan Valley Line to the south; and private residences to the west. The property has vehicular access at three points along North Avenue West.

#### **The Rialto Theater Site**

The third group is a single, privately owned property within downtown Westfield. A property description is found in the "Preliminary Investigation: Block 3107, Lot 1", prepared by Topology, and dated July 1, 2020. The property description is reproduced in part below to provide an overview of existing conditions:

The property is occupied by a commercial building that houses a vacant theatre with a prominent marquee and ancillary commercial uses including small retail storefronts.

The property is bound by East Broad Street to the north and northwest; commercial uses like NY Korean BBQ and the Town Book Store to the northeast; municipal parking lot 5 to the southeast; and Central

Avenue to the south and southwest. The property has no on-site parking but is adjacent to a municipal parking lot.

#### **74-76 Elm Street**

The fourth group is a single, privately owned property within downtown Westfield. Identified on the Town Tax Maps as Block 3106, Lot 5, the property is occupied by a 3 story mixed-use building consisting of vacant ground floor commercial space and a total of 4 apartments on upper stories. Tax Assessor records show the ground floor commercial space as being vacant since September of 2016.

### **V. EXISTING ZONING DESIGNATIONS**

Individual properties governed by this redevelopment plan are located within the following zone districts.

<b>Block</b>	<b>Lot</b>	<b>Address</b>	<b>Description</b>	<b>Zone District</b>
2405	15	146 Elm Street	Town-Owned Surface Parking Lot	CBD
2505	12.01	131 Elm Street	Town-Owned Surface Parking Lot	CBD
3001	5	360 Waterson Street	Town-Owned Surface Parking Lot	GB-1
3101	5	300 South Avenue West	Town-Owned Surface Parking Lot	CBD
3103	7	301 North Avenue West	Town-Owned Surface Parking Lot	CBD
3107	2	116 Elmer Street	Town-Owned Surface Parking Lot	CBD

Block	Lot	Address	Description	Zone District
3116	11	148 Central Avenue	Town-Owned Surface Parking Lot	CBD
2502	14	630 North Avenue West	Privately-Owned Surface Parking Lot	GB-2
2506	1	526 North Avenue West	Privately-Owned Surface Parking Lot	GB-2
2508	11	601-613 North Avenue West	Lord & Taylor Department Store Site	GB-2
3107	1	244-254 East Broad Street	Rialto Theater Site	CBD
3106	5	74-76 Elm Street	Privately-Owned 3 story building	CBD

The CBD Central Business District is intended to encourage retail sales, retail services, personal services, offices, and residential uses in appropriate locations as set forth within this section, all within a mixed-use environment which encourages street activity throughout the day and evening hours. Use and bulk standards for the GB-2 Zone are codified in § 11.25 of the Town's Land Use Ordinance.

The GB-1 General Business District is intended to encourage retail sales and personal services oriented to pedestrian shopping, other commercial uses permitted in the zone district, and residential use on the upper floors. Use and bulk standards for the GB-2 Zone are codified in § 11.26 of the Town's Land Use Ordinance.

The GB-2 General Business District is intended to encourage retail and wholesale sales, personal and business services, as well as business, administrative and professional offices. Use and bulk standards for the GB-2 Zone are codified in § 11.27 of the Town's Land Use Ordinance.

## VI. PROPOSED LAND USES AND BUILDING REQUIREMENTS

Development of the properties shall be as permitted by the underlying zone district regulations and other applicable provisions of the Town Land Use Ordinance, and shall apply to all properties unless otherwise superseded herein. In addition, the affordable housing provisions specified below apply.

### Additional Provisions for 74-76 Elm Street, Block 3106, Lot 5

In addition to the above, the ground floor of 74-76 Elm Street, Block 3106, Lot 5 may be used on a temporary basis as a preview center as defined herein. The term of the temporary use of the space as a preview center shall be as specified in a redeveloper agreement.

As an incentive for the establishment of a preview center at this location, no off-street parking shall be required for the preview center use within existing floor area of the building.

### Electric Vehicle Charging

Electric vehicle charging infrastructure shall be provided in accordance with the requirements of the Municipal Land Use Law and Town Land Use Ordinance.

### Affordable Housing

Any multi-family residential development, including the residential portion of a mixed-use project, to be developed at six (6) or more dwelling units per acre and yielding five (5) or more units shall provide an affordable housing set-aside of fifteen (15) percent if the affordable units are to be offered for rent and twenty (20) percent if the affordable units are to be offered for sale.

No subdivision shall be permitted or approved so as to avoid compliance with this requirement.

All affordable units created pursuant to this section must comply with all applicable regulations of the affordable housing regulations of Article 23 of the Land Use Ordinance and the New Jersey Uniform Housing Affordability Controls (UHAC), N.J.A.C. 5:80-26.1 et seq. and COAH regulations N.J.A.C. 5:93-1 et seq., with the exception that in lieu of ten (10) percent of affordable units in rental projects being required to be at least thirty-five (35) percent of median income, thirteen (13) percent of affordable units in such projects shall be required to be at thirty (30) percent of median income.

When calculating the set-aside requirement for a particular site, if the imposition of the required set-aside requirement results in a fractional unit, the requirement shall be rounded to the next whole number. For example, in the case of a fifteen- (15) unit multifamily rental development, a total of three (3) affordable units would be required (15 units x 15 percent set-aside requirement = 2.25 affordable units required, which is rounded to three (3) affordable units required).

This affordable housing set-aside shall not apply to any developments containing four (4) or fewer dwelling units.

All variance, subdivision, and site plan approvals of qualifying residential developments shall be conditioned upon compliance with these requirements.

## **VII. RELATIONSHIP TO LOCAL OBJECTIVES**

### **Town Master Plan**

The Town Planning Board amended the Master Plan on April 6, 2020 through adoption of a “Vision, Guiding Principles, and Goals and Objectives” section. The catalyst for this amendment rests with the recommendations contained within the recently completed Master Plan Reexamination Report. The amendment replaced the Goals and Objectives Section of the 2002 Master Plan.

The following details the relevant goals, objectives and recommendations from the Town’s Master Plan that will be furthered by a program of redevelopment pursuant to this Redevelopment Plan for the properties:

1. To provide adequate light, air and open space by establishing, administering and enforcing bulk, density and design standards that are appropriate for the various zones and uses in the community.

5. To maintain and enhance the viability of the various business districts by: (a) encouraging an appropriate mix of land uses that will complement one another and meet the retail and service needs of the Town; (b) promoting a desirable visual environment and preserving the small-town atmosphere in the business districts; (c) providing or requiring the provision of sufficient numbers of parking and loading spaces in the appropriate locations to serve the needs of the general public; (d) promoting a desirable pedestrian environment in the downtown business district; and (e) discouraging automobile-only oriented development in the central business district, including “strip malls”; and (f) offering placemaking opportunities, including public art, open space, pedestrian nodes, and community gathering spaces.

8. To provide a wide range of housing types and densities in a manner that maintains and is compatible with the predominant existing development pattern of single family detached dwelling units through: (a) Various zone districts that permit single-family detached, two-family and single-family attached, and multi-family dwellings where appropriate; (b) Density standards that reflect existing neighborhood conditions, where appropriate, as well as the needs of various housing types; and (c) Rezoning in appropriate locations, for mixed use or residential uses, establishing densities within walking distance of the CBD- Central Business District and NJ Transit railroad stations.

9. To address the need of affordable housing for the local and regional population of low- and moderate-income persons by

establishing various zone districts that encourage the provision of affordable housing, where appropriate.

13. To address underutilized or vacant sites, encourage redevelopment or rehabilitation where properties meet those standards set forth in the LRHL.

This Redevelopment Plan is substantially consistent with the goals of the Master Plan and further a number of the objectives that the Town has set for land use and redevelopment.

## **VIII. RELATIONSHIP TO OTHER PLANS**

### **Master Plans of Contiguous Municipalities**

The Town of Westfield borders the municipalities of Springfield, Cranford, Garwood, Clark, Scotch Plains and Mountainside. This Redevelopment Plan is consistent with the Master Plans of these contiguous municipalities, each of which contain goals related to the promotion of the economic health of their commercial areas. Also, the property regulated by this Redevelopment Plan is located near the geographic center of the Town removed from municipal borders, and therefore, it is not anticipated that new construction in the Redevelopment Area will have any significant impact on adjoining municipalities other than to have a generally positive impact via the improvement of a well-established downtown within Union County.

### **Union County Master Plan**

This Redevelopment Plan is consistent with the Union County Master Plan. Goals and objectives of the 1998 Union County Master Plan supported by this Redevelopment Plan include:

**Housing Goal:** Promote the provision of a broad range of housing opportunities for all income levels and household types by encouraging the maintenance or rehabilitation of the existing housing stock and through the construction of new housing units.

**Housing Objective:** Encourage municipalities to zone for a variety of housing types and densities.

**Housing Objective:** Encourage the construction of multi-family apartment and townhouse units in either rental, condominium or fee simple ownership for all age groups, household types and income levels.

**Housing Objective:** Encourage the expansion of existing public, non-profit and inclusionary low-income and senior housing opportunities.

**Development Goal:** To facilitate the development of Union County by directing new growth to environmentally suitable areas that can be provided with essential infrastructure and support facilities and to revitalize the urban centers and corridors within the County.

**Development Objective:** Identify land areas suitable for residential, commercial and industrial development sufficient to accommodate reasonable projections for future needs.

**Development Objective:** Promote new development and redevelopment that is consistent and compatible with existing settlement patterns.

**Transportation/Circulation Goal:** To promote the development of an improved and balanced, multi-modal transportation system that integrates and links highway, bus, rail, air, waterborne transport systems and pedestrian and bicycle facilities.

**Transportation/Circulation Objective:** Provide coordinated development of land use density/intensity and transportation systems that will support and sustain regional transportation systems for rail and bus service.

## **The State Development and Redevelopment Plan**

The State Development and Redevelopment Plan (SDRP) was prepared and adopted by the State Planning Commission according to the requirements of the State Planning Act of 1985 to serve as an instrument of state policy to guide state agencies and local government in the exercise of governmental powers regarding planning, infrastructure investment and other public actions and initiatives that affect and support economic growth and development in the state. The SDRP is not itself a regulation but a statement of State policy that has been adopted by the State Planning Commission to guide State, regional and local agencies in the exercise of their statutory authority.

The SDRP uses a policy map to differentiate areas from highest growth to lowest growth based on information, such as natural resources, sewer availability, etc. These differentiations are called planning areas, which range from PA-1 Metropolitan, to PA-8 State Park. The entirety of the Town of Westfield is located within the Metropolitan Planning Area (PA1), as per the State Plan Policy Map found in the SDRP.

For areas located in the Metropolitan Planning Area (PA1), the State Plan's intention is to:

- Provide for much of the state's future redevelopment;
- Revitalize cities and towns;
- Promote growth in compact forms;
- Stabilize older suburbs;
- Redesign areas of sprawl; and
- Protect the character of existing stable communities.

In order to support the intent of the Metropolitan Planning Area, development and redevelopment activities need to be consistent with the traditional urban fabric—intensities sufficient to support transit, a range of uses broad enough to encourage activity beyond the traditional workday, efficient use of infrastructure, and physical design features that enhance public safety, encourage pedestrian activity and reduce

dependency on the automobile. This Plan is consistent with these principles and they are applied herein.

### **IX. RELOCATION**

No residential uses exist on the properties, whether affordable to low or moderate income households or otherwise, and therefore no residential relocation will be necessary to carry out the provisions of this Redevelopment Plan. Any existing commercial enterprises on the properties are not anticipated to require relocation. If circumstances dictate that relocation is required, such relocation will be carried out in accordance with applicable law.

### **X. PROPERTIES TO BE ACQUIRED**

No properties are intended to be acquired by the Town to carry out the provisions of this Redevelopment Plan.

### **XI. ADMINISTRATIVE AND PROCEDURAL REQUIREMENTS**

#### **Selection of Redeveloper**

In order to assure that the vision of this Redevelopment Plan will be successfully implemented in an effective and timely way so as to promptly achieve the public purpose goals of the Plan, the Mayor and Council, acting as the Redevelopment Entity, shall designate the redeveloper(s) for any redevelopment project on the Property.

The intent of this section of the Redevelopment Plan is to set forth the procedural standards to guide redeveloper selection. The following provisions regarding redevelopment are hereby included in connection with the implementation of this Redevelopment Plan and the selection of a redeveloper(s) and shall apply notwithstanding the provisions of any zoning or building ordinance or other regulations to the contrary:

1. The redeveloper, its successor or assigns shall develop the property in accordance with the uses and building requirements specified in this Redevelopment Plan.

2. Until the required improvements are completed and a Certificate of Completion is issued by the Mayor and Council, acting as the Redevelopment Entity, the redeveloper covenants provided for in *N.J.S.A. 40A:12A-9* and imposed in any Redevelopment Agreement, lease, deed or other instrument shall remain in full force and effect.

3. The redevelopment agreement(s) shall contain provisions to assure the timely construction of the redevelopment project, the qualifications, financial capability, and financial guarantees of the redeveloper(s) and any other provisions to assure the successful completion of the project.

4. The extent of the designated redeveloper(s) responsibility for any installation or upgrade of infrastructure will be outlined in the Redevelopment Agreement with the Town. Infrastructure may include items such as gas, electric, water, sanitary and storm sewers, telecommunications, recreation or open space, streets, curbs, sidewalks, street lighting, street trees, structured parking or other improvements.

5. All infrastructure improvements shall comply with applicable local, state and federal law and regulations.

6. In addition to the provision of the infrastructure items set forth herein, the Redevelopment Agreement may provide that the redeveloper(s) will agree to provide amenities, benefits, fees and payments in addition to those authorized under the Municipal Land Use Law.

### **Redevelopment Agreement Required**

No development or redevelopment shall take place or be the subject of any application to the Planning Board unless a redeveloper is designated for the property or properties by resolution of the Mayor and Council

and a redevelopment agreement concerning the redevelopment between the Town and the redeveloper is executed.

Notwithstanding the above, only a redevelopment agreement shall be required for property at 74-76 Elm Street, Block 3106, Lot 5 to serve as a preview center (as defined herein) on the ground floor of the building. The redevelopment agreement for the preview center, or its attachments, shall at a minimum:

- Specify the permitted duration of the use.
- Include clear default and remedy provisions to be enacted if the use persists beyond its permitted duration.
- Include a narrative detailing the use. This narrative shall include information about the nature of the use, hours of operation, and specific activities to be undertaken within the space occupied by the use.
- Conceptual floor plans showing allocation of space.
- Conceptual signage plan showing compliance with the Westfield Land Use Ordinance, Article 16, Exterior Signs.

### **Deviations**

The Planning Board may grant deviations from the regulations contained within this Redevelopment Plan, subject to the scope and limitations set forth below:

- Whenever, by (a) reason of exceptional narrowness, shallowness or shape of a specific piece of property, or (b) by reason of exceptional topographic conditions or physical features uniquely affecting a specific piece of property, or (c) by reason of an extraordinary and exceptional situation uniquely affecting a specific piece of property or the structures lawfully existing thereon, the strict application of any regulation contained herein would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon, the developer of such property,

- Whenever, in an application relating to a specific piece of property the purposes of this Plan would be advanced by a deviation from the requirements of the Plan, and the benefits of the deviation would substantially outweigh any detriments.
- No deviation from the regulations contained within this Redevelopment Plan may be granted without a showing that such variance or other relief can be granted without substantial detriment to the public good and will not substantially impair the intent and the purpose of the Plan.
- The planning board when acting upon applications for preliminary or minor subdivision approval or preliminary site plan approval shall have the power to grant such exceptions from the requirements for subdivision or site plan approval and design standards contained in the Plan as may be reasonable and within the general purpose and intent of the provisions for subdivision review and approval of this Plan, if the literal enforcement of one or more provisions of the Plan is impracticable or will exact undue hardship because of peculiar conditions pertaining to the land in question. No deviations may be granted under the terms of this section unless such deviations can be granted without resulting in substantial detriment to the public good and will not substantially impair the intent and purpose of the Redevelopment Plan.

The following deviations shall be considered prohibited and may only be permitted if the Plan is amended pursuant to the provisions of the LRHL to allow for such deviations from a redevelopment project.

- A use or principal structure in a district restricted against such use or principal structure;
- An expansion of a nonconforming use;

- A deviation from a specification or standard pertaining solely to a conditional use
- An increase in the permitted density;
- An increase in the permitted floor area ratio; or
- A height of a principal structure which exceeds by 10 feet or 10% the maximum height permitted in the Plan for a principal structure.

### **Amendments**

This Redevelopment Plan establishes base requirements for a redevelopment project or projects on the properties which are governed by this plan, and permits the Town to engage in dialogue and contract with the owners of the properties and/or prospective redevelopers of the properties concerning such redevelopment. As such, amendments to this Redevelopment Plan may become necessary.

This Redevelopment Plan may be amended from time to time in accordance with the procedures of the LRHL.

### **Certificates of Completion and Compliance**

Upon the inspection and verification by the Mayor and Council that the redevelopment of the Property has been completed, a Certificate of Completion and Compliance will be issued to the redeveloper and such parcel will no longer be deemed subject to this Redevelopment Plan.

## **XII. DEFINITIONS & SEVERABILITY**

### **PREVIEW CENTER**

A use which is open to the public and introduces redevelopment projects or potential redevelopment projects by designated redevelopers to the community. Preview centers are interactive education centers providing redevelopment project understanding and may include the display of models, renderings, and finishes (or a combination of same), meeting and event spaces, retail sales, and sales and leasing offices for a redevelopment project. Total gross floor area of sales and leasing offices shall not comprise more than 50% of the gross floor area occupied by the Preview Center.

Any terms not expressly defined by this Redevelopment Plan shall have the same definition set forth in the Code and Ordinances of the Town. Any word, phrase, clause, section or provision of this Redevelopment Plan that is found by a court or other tribunal with adequate jurisdiction to be invalid, illegal or unconstitutional shall be deemed severable and the remainder of the Redevelopment Plan shall remain in full force and effect.

